

File

MOD000081963

APR 03 1984

Mr. T.W. McMahon
Branch Manager, Environmental Compliance
McDonnell Douglas Corporation
Department 191C
Building 305, L-4W
Post Office Box 516
Saint Louis, Missouri 63166

EPA I.D. No: MOD000081963

Dear Mr. McMahon:

Pursuant to your request of February 16, 1984 (copy enclosed), this office is providing guidelines for the handling of your recovered, virgin-quality perchloroethylene.

The appropriate action is determined by first identifying the material in question. Following guidelines in the Code of Federal Regulations, Part 261 (40 CFR 261), Subpart A, one may determine that the perchloroethylene from the chem-mask line is defined as a hazardous waste from non-specific sources, F002 (40 CFR Part 261.31).

While some exemptions occur for recycled wastes, your perchloroethylene--despite its purity--is not eligible for these exemptions. According to 40 CFR Part 261.6, "a hazardous waste...is not subject to regulation...[if] It is being accumulated, stored or...treated prior to beneficial use or reuse or legitimate recycling or reclamation...except for a hazardous waste...that is listed in §261.31 [F002, perchloroethylene]." As a hazardous waste, your perchloroethylene is regulated by the Resource Conservation and Recovery Act and its supporting regulations and legislation. Specifically, with respect to generation and transportation of hazardous waste, 40 CFR Parts 262 and 263 apply. It should be understood that the Department of Transportation and the states through which the hazardous waste is routed have applicable hazardous waste management policies and programs which must be fulfilled.

For your reference, the following items have been enclosed:

40 CFR 260.20, 22, and Appendix I;
261.2, 3, 4, 6, and 31;
262;
263.20 and 21; and
264.71

CONCURRENCES

SYMBOL	...	...	...	...
SURNAME	...	...	...	...
DATE	...	...	...	...



R00144282

RCRA RECORDS CENTER

EPA Form 1320-1 (12-70)

SPRS RIVAS
SPRS HARRIS
SPRS MCLAUGHLIN
WMBR MORBY

OFFICIAL FILE COPY

GPO : 1983 O - 403-201

-2-

Should you have any questions regarding this matter, please contact Marcus G. Rivas of my staff. He may be contacted at (816) 374-6534. Thank you for bringing this matter to the attention of the United States Environmental Protection Agency.

Sincerely yours,

Robert L. Morby
Chief, Waste Management Branch
Air and Waste Management Division

Enclosures

cc: Richard Linzmaier, McDonnell Douglas Corporation
Sheldon Weinstein, Adcoat, Incorporated

CONCURRENCES							
SYMBOL							
SURNAME							
DATE							

EPA Form 1320-1 (12-70)

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GPO : 1963 O - 403-201

code of federal regulations

Protection of Environment

40

Revised as of July 1, 1983

§ 260.22 Petitions to amend Part 261 to
exclude a waste produced at a particu-
lar facility.

(a) Any person seeking to exclude a
waste at a particular generating facili-
ty from the lists in Subpart D of Part
261 may petition for a regulatory
amendment under this section and
§ 260.20. To be successful, the petition-
er must demonstrate to the satisfac-
tion of the Administrator that the
waste produced by a particular gener-



**PART 260—HAZARDOUS WASTE
MANAGEMENT SYSTEM: GENERAL**

§ 260.20 General.

(a) Any person may petition the Administrator to modify or revoke any provision in Parts 260 through 265 of this chapter. This section sets forth general requirements which apply to all such petitions. Section 260.21 sets forth additional requirements for petitions to add a testing or analytical method to Part 261, 264 or 265. Section 260.22 sets forth additional requirements for petitions to exclude a waste at a particular facility from § 261.3 of this chapter or the lists of hazardous wastes in Subpart D of Part 261.

(b) Each petition must be submitted to the Administrator by certified mail and must include:

- (1) The petitioner's name and address;
- (2) A statement of the petitioner's interest in the proposed action;
- (3) A description of the proposed action, including (where appropriate) suggested regulatory language; and
- (4) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) The Administrator will make a tentative decision to grant or deny a petition and will publish notice of such tentative decision, either in the form of an advanced notice of proposed rulemaking, a proposed rule, or

tentative determination to deny the petition, in the FEDERAL REGISTER for written public comment.

(d) Upon the written request of any interested person, the Administrator may, at his discretion, hold an informal public hearing to consider oral comments on the tentative decision. A person requesting a hearing must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The Administrator may in any case decide on his own motion to hold an informal public hearing.

(e) After evaluating all public comments the Administrator will make a final decision by publishing in the FEDERAL REGISTER a regulatory amendment or a denial of the petition.

ating facility does not meet any of the criteria under which the waste was listed as a hazardous waste and, in the case of an acutely hazardous waste listed under § 261.11(a)(2), that it also does not meet the criterion of § 261.11(a)(3). A waste which is so excluded may still, however, be a hazardous waste by operation of Subpart C of Part 261.

(b) The procedures in this section and § 260.20 may also be used to petition the Administrator for a regulatory amendment to exclude from § 261.3(a)(2)(ii) or (c), a waste which is described in those sections and is either a waste listed in Subpart D, contains a waste listed in Subpart D, or is derived from a waste listed in Subpart D. This exclusion may only be issued for a particular generating, storage, treatment, or disposal facility. The petitioner must make the same demonstration as required by paragraph (a) of this section, except that where the waste is a mixture of solid waste and one or more listed hazard-

ous wastes or is derived from one or more hazardous wastes, his demonstration may be made with respect to each constituent listed waste or the waste mixture as a whole. A waste which is so excluded may still be a hazardous waste by operation of Subpart C of Part 261.

(c) If the waste is listed with codes "T", "C", "R", or "E" in Subpart D, the petitioner must show that demonstration samples of the waste do not exhibit the relevant characteristic defined in § 261.21, § 261.22, § 261.23, or § 261.24 using any applicable test methods prescribed therein.

(d) If the waste is listed with code "T" in Subpart D, the petitioner must demonstrate that:

(1) Demonstration samples of the waste do not contain the constituent (as defined in Appendix VII) that caused the Administrator to list the waste, using the appropriate test methods prescribed in Appendix III; or

(2) The waste does not meet the criterion of § 261.11(a)(3) when considering the factors in § 261.11(a)(3) (i) through (xi).

(e) If the waste is listed with the code "H" in Subpart D, the petitioner must demonstrate that the waste does not meet both of the following criteria:

- (1) The criterion of § 261.11(a)(2).
- (2) The criterion of § 261.11(a)(3) when considering the factors listed in § 261.11(a)(3) (i) through (xi).

(f) [Reserved for listing radioactive wastes.]

(g) [Reserved for listed infectious wastes.]

(h) Demonstration samples must consist of enough representative samples, but in no case less than four samples, taken over a period of time sufficient to represent the variability of the uniformity of the waste.

(i) Each petition must include, in addition to the information required by § 260.20(b):

(1) The name and address of the laboratory facility performing the sampling or tests of the waste;

(2) The names and qualifications of the persons sampling and testing the waste;

(3) The dates of sampling and testing;

(4) The location of the generating facility;

(5) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

(6) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;

(7) Pertinent data on and discussion of the factors delineated in the respective criterion for listing a hazardous waste, where the demonstration is based on the factors in § 261.11(a)(3);

(8) A description of the methodologies and equipment used to obtain the representative samples;

(9) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

(10) A description of the tests performed (including results);

(11) The names and model numbers of the instruments used in performing the tests; and

(12) The following statement signed by the generator of the waste or his authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(j) After receiving a petition for an exclusion, the Administrator may request any additional information which he may reasonably require to evaluate the petition.

(k) An exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste s

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Mr. T.W. McMahon
 Branch Manager, Environmental Compliance
 McDonnell Douglas Corporation
 Department 191C
 Building 305, L-4W
 Post Office Box 516
 Saint Louis, Missouri 63166

MOD 000 818 963

EPA I.D. No: ~~40D0000081963~~ *File*

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 261.2, 3, 4, 6, and 31;
 262;
 263.20 and 21; and
 264.71

CONCURRENCES							
SYMBOL	<i>Mem. of Disc.</i>						
SURNAME	<i>March 30, 1984</i>						
DATE	ARWM:WMBR	SPRS:M.RIVAS	jp:x6534	3/29/84			
EPA Form 1320b (12-70)	SPRS	SPRS	WMBR				
	RIVAS	HARRIS	MCLAUGHLIN	MORBY			

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Robert L. Morby
Chief, Waste Management Branch
Air and Waste Management Division

Enclosures

cc: Richard Linzmaier, McDonnell Douglas Corporation
Sheldon Weinstein, Adcoat, Incorporated

CONCURRENCES

SYMBOL								
SURNAME								
DATE								

RECORD OF COMMUNICATION

☒ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO: Mr. Richard Linzmaier (FTS)

FROM: Marc Rivas

DATE: March 20, 1984

Phone number 314-232-3319

TIME: 1:30 P

SUBJECT: McD

~~MO 000081963~~

MO.D 000818963

SUMMARY OF COMMUNICATION

recycled

solvent capture/recovery

metal parts covered w/ rubber mask - carrier is perfluorinated

recovered solvent is = virgin solvent, not to mfg

comments as whether H₂O or just DOT
in past even if clean - considered spent
manifest as waste

continued not use H₂O manifest

D 22 '83
F 16 '84

regs if no longer used CFR 261

261.2 b (2)

261.3 ii

⇒ F002 spur halogenated
listed in subpart D

Letter sent Apr. 13, 1984

CONCLUSIONS, ACTION TAKEN OR REQUIRED

Mr. Rick Linzmaier
Dept 191C
Bldg 305
McDonnell-Douglas Corp
POB 516
SEA MO 63166

Mr. Sheldon Weinstein
Vice-pres
Adcoat, Inc,
172 E La Jolla Rd
Tlacantia, CA 92670

INFORMATION COPIES

TO:

FIGURE 3

SPECIAL PROVISIONS FOR CERTAIN HAZARDOUS WASTE

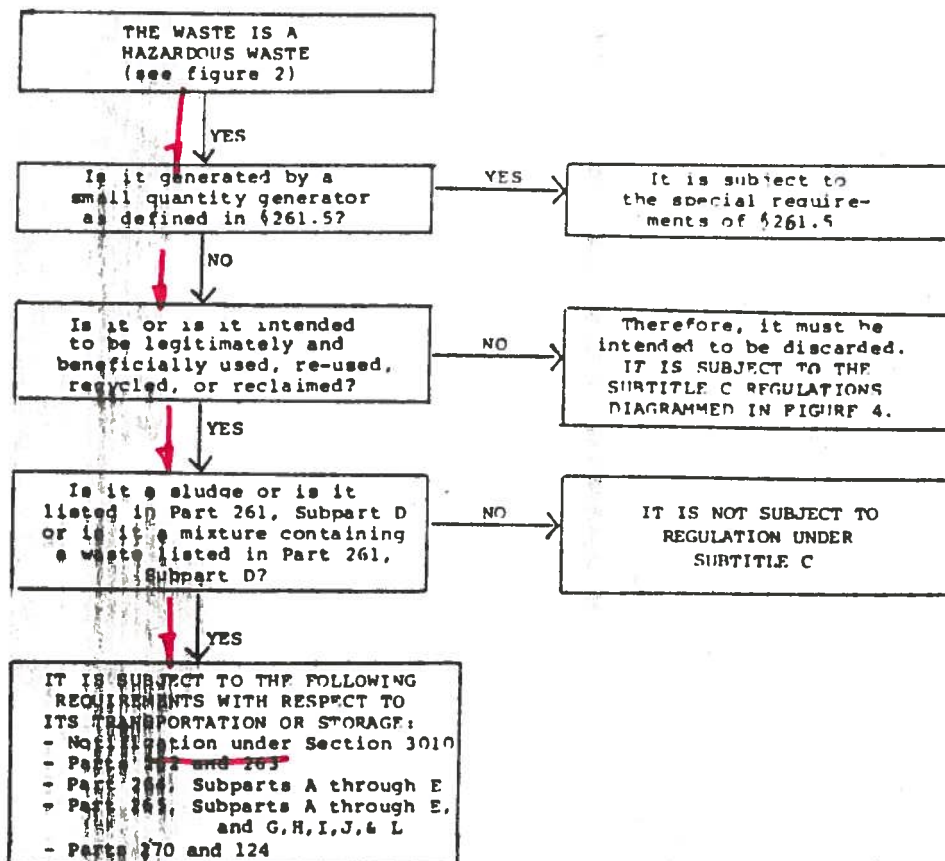
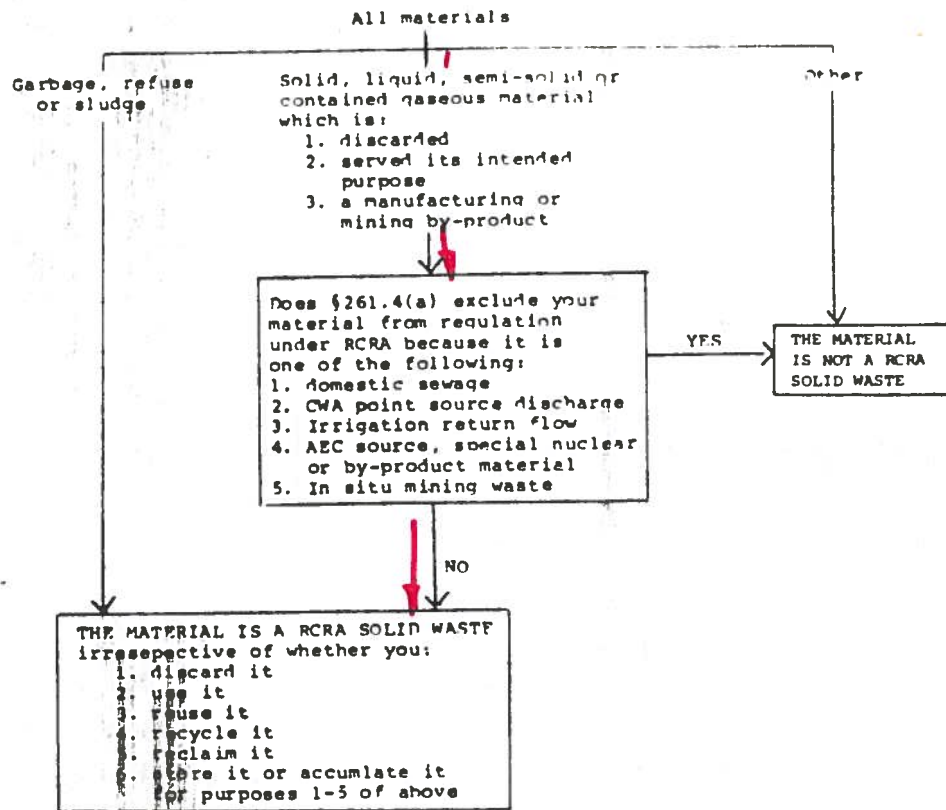


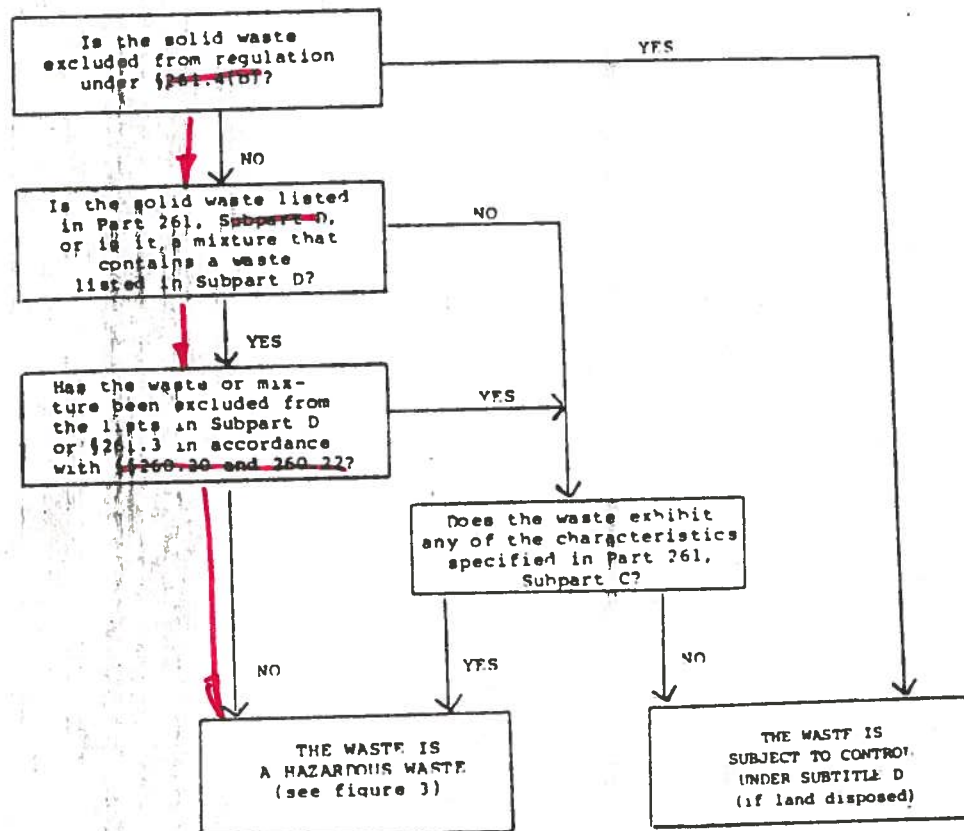
FIGURE 1
DEFINITION OF A SOLID WASTE



Go to Fig 2

FIGURE 2

DEFINITION OF A HAZARDOUS WASTE



ROUTING AND TRANSMITTAL SLIP

Date

3/19/80

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1.

2.

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Mr. Richard Linzmaier called for Morris Kay -- in his absence caller left the following information.

Indicated a letter had been sent to DAWagoner on 12/83 -- had a question concerning clarification on recycling a product. Never received an answer.

Then early February they said they never got the letter so sent another 2/16 by registered mail and still no answer. Letter was signed by Tom McIlahon, written to Mr. Wagoner and the subject is recycled perchloroethylene

Pl respond to Mr. Richard Linzmaier, P. O. Box 516,
McDonnell Douglas, St. Louis, MO. 63166
Phone: 314-232-3319

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Alice Todd

Phone No.

ANDUM
CALL

Previous editions

TO:

Florence

☐

YOU WERE CALLED BY—

☐

YOU WERE VISITED BY—

Diane

OF (Organization)

☐

PLEASE PHONE ►

☐

FTS

☐

AUTOVON

☐

WILL CALL AGAIN

☐

IS WAITING TO SEE YOU

☐

RETURNED YOUR CALL

☐

WISHES AN APPOINTMENT

MESSAGE

*This gentleman called front
ofc today. Alvin T.
requested someone get
back w/ him today*

RECEIVED BY

DATE

TIME

3/19